

REMARKS

Claims 1-3, 28, 30-32, and 39-41 have been amended. Claims 5-8, 19-27, 29, 33-35, 42 and 44-51 have been canceled without prejudice or disclaimer to their recited subject matter. Claims 1-4, 9-18, 28, 30-32, 36-41 and 43 are pending in the present application. Applicant reserves the right to pursue the original claims and other claims in this application and in other applications.

Claims 1-8, 10-18, 28 and 30-43 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Brennan et al., U.S. Patent No. 5,329,578 (hereinafter "Brennan"). The rejection is respectfully traversed and reconsideration is respectfully requested.

Claim 1 recites a telecommunication device comprising "a processor identifying a dialed telephone number associated with the call, said processor using the dialed telephone number to retrieve a first telephone number, a second telephone number and at least one user preference from a storage medium." According to the claim, the processor uses the at least one retrieved user preference "to route the call to at least two destination telephone numbers substantially simultaneously, wherein the at least two destination telephone numbers are selected from the group including the retrieved first and second telephone numbers and a voice mailbox telephone number." Applicant respectfully submits that Brennan fails to teach or suggest the invention recited in claim 1.

Brennan by contrast allows a user of a PCS system to set up a subscriber schedule, which purportedly determines the manner in which incoming calls are to be routed based upon the day of the week and time of day. The user of the Brennan system creates a table (see Table 3.0 at Col. 7) that associates a day and time to a list of devices in which the call should be routed. When the Brennan system receives a call, the system determines what day and time it is and then routes the call to the first device associated with that scheduled day and time.

Thus, Brennan does not use a dialed telephone number to retrieve a first telephone number, a second telephone number and at least one user preference from a storage medium. The Brennan system is completely different from the claimed invention. This is acknowledged by the Office action at page 3. In fact, the Office action states that “there is no need to retrieve a first telephone number and a second telephone number” in the Brennan system because Brennan routes the call “to different devices depending upon the time of day and day of the week.” Office action at 3. Accordingly, there is no need and thus, no motivation to modify Brennan in the manner suggested by the Office action.

Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. *In re Fine*, 837 F.2d 1071, 5 USPQ.2d 1596 (Fed. Cir. 1988). As noted above, there is no suggestion or motivation in the Brennan reference to arrive at the claimed invention. The rejection should be withdrawn.

Moreover, the claimed invention routes the call “to at least two destination telephone numbers substantially simultaneously.” The Office action implies that the Brennan “Hunting” feature teaches routing the call to two destination telephone numbers simultaneously. Applicant respectfully traverses this argument. The Hunting feature taught by Brennan allows the user to leave a list of three locations (e.g., telephone numbers) where the user could be located at a given day/time. The Hunting feature, however, is a sequential routing method. That is, the Hunting feature routes a call to a first device number on the list. If the call is not answered by the subscriber, the Hunting feature routes the call to the next number on the list. Thus, in the Brennan system, the call is not being routed “substantially simultaneously” as recited in claim 1.

In order to establish a *prima facie* case of obviousness, “the prior art references (or references when combined) must teach or suggest all of the claim limitations.” M.P.E.P. § 2143. Since Brennan fails to teach or suggest routing a call to at least two

destinations “substantially simultaneously,” it fails to teach or suggest all of the limitations of claim 1.

A technical comparison of the Brennan call process with the call process of the claimed invention further illustrates the differences between the two. Brennan’s entire concept is that of serial call processing (as depicted in his Fig. 8). The premise of Brennan’s invention is its ability to “hunt” for the user. The hunt, is defined by the processor seeking the user by sequentially attempting to contact the user by immediately connecting the inbound call to one or more outbound dial paths until a device goes off-hook, or a specified ring count expires. Upon expiration of ring count, Brennan’s device detaches its bridge to the second line, and subsequently connects another bridge, then attempts to contact the user on a different number. Therefore, in the Brennan’s system, if the first several numbers to be dialed is answered by an answering machine, the inbound caller will be connected to the answering machine or any other person or device that answers the call. All the while, the caller will hear the connection, disconnection and ringing of the second line as the processor sequentially bridges the calls. Simply stated, because Brennan’s system actually bridges the inbound caller with the outbound leg to the user prior to even dialing, the caller will be connected to any device that answers. Thus, essentially, Brennan’s device performs a series of managed call forwarding events.

The claimed invention, on the other hand, is entirely different in its approach and architecture. The premise, technology and architecture of a simultaneous call environment is entirely different than that of sequential call processing. Moreover, simultaneous call processing is not intuitive or obvious in concept or implementation, nor is simultaneous call processing a minor modification to a sequential design. Sequential call processing is a single threaded process of if-then logical statements evident in Brennan’s single process flow. Simultaneous call processing requires switching logic, port monitoring, multi-threaded processing, and thread specific call processing logic.

Simply stated, Brennan’s architecture bridges inbound calls to outbound call attempts until a timer expires or the call is answered. The entire process is evident to the

caller (since the bridging takes place immediately), and the caller is subject to the process of hearing the different ring tones of the alternate devices that are attempted sequentially, in addition to the clicks and reconnects in-between each attempt.

In the claimed invention (see attached flowchart), the system never answers the call (as is done in the Brennan system). The claimed invention monitors the inbound call, allowing the host PBX switch or Telco to continue playing an unanswered ring tone to the caller and maintain call control. Once the inbound call is detected, the claimed invention processes its logic to simultaneously call multiple devices. During this process, the system must manage multiple threads including the inbound call, to ensure it is still ringing (alerting), and all of the outbound legs to monitor their respective ring counts and call states. Should one of the outbound leg get answered, the system will authenticate the answer by requiring the receiving party to press a DTMF tone to ensure the call has not been connected to an answering machine or other unwanted device.

Once authenticated, the system then needs to contend with glare, in the event more than one of the outbound calls we answered. The system will then determine the first outbound leg that was authenticated, then disconnect the other outbound legs (or perform another treatment if the legs were answered), answer the initial inbound call, then immediately bridge the connection to the outbound leg – all processed without a noticeable delay to either party on the line. Because the call processing is never initially answered by the claimed invention, call control always resides in the host PBX or Telco switch, rather than the System, whereas Brennan's system takes call control immediately by first answering the line, then performing its functions – this is a significantly different approach and architecture.

Moreover, based on Brennan's designs, it clearly is not obvious for Brennan not to answer the inbound call as answering the call is the basis for all of his system's logic processing controls. These are additional reasons why the claimed invention is patentable over Brennan.

For at least the foregoing reasons, applicant submits that claim 1 is allowable over Brennan. Claims 2-4 and 10-18 depend from claim 1 and are allowable along with claim 1. Claims 28, 30-32, 36-41 and 43 recite similar limitations as claim 1 and are allowable for at least the reasons set forth above and on their own merits. Accordingly, the rejection should be withdrawn and claims 1-4, 10-18, 28, 30-32, 36-41 and 43 allowed.

Claim 9 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Brennan in view of Swan, U.S. Patent No. 5,978,451. The rejection is respectfully traversed and reconsideration is respectfully requested.

Claim 9 depends from claim 1 and thus requires a processor that uses the at least one retrieved user preference “to route the call to at least two destination telephone numbers substantially simultaneously.” As set forth above, Brennan fails to teach or suggest this limitation. Applicant respectfully submits that Swan also fails to teach or suggest this limitation.

Swan has been cited as teaching a menu of calling destination options. Office action at 6. Swan, however, does not have the capability of routing a call to at least “two destination telephone numbers substantially simultaneously.” As such, Swan, even if considered in combination with Brennan, fails to teach or suggest the claimed invention. Accordingly, the rejection should be withdrawn and claim 9 allowed.

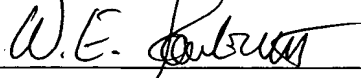
In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

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Respectfully submitted,

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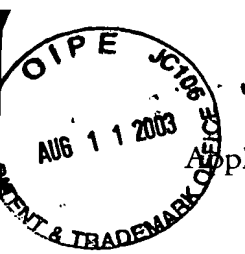
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ATTACHMENT A

